



## HIC-HLRN statement on Security Council resolution 2334

It was the first time in eight years that the UN Security Council had passed a resolution condemning Israel's illegal construction of settler colonies in occupied Palestine. The vote came on Friday, following an unprecedented intervention of Israel's Prime Minister Benjamin Netanyahu that had U.S. President-elect Donald Trump "advising" Egyptian President Abdel Fattah el-Sisi to withdraw Egypt's draft. Then New Zealand, Senegal, Malaysia and Venezuela reintroduced the resolution finally adopted on 23 December.

The Security Council's new resolution 2334 rests on the integrity of the foregoing series of Security Council resolutions since 1967, including its resolutions 242 and 338, which establish the boundaries of the internationally supported two-state solution. Significantly also, resolution S/RES/2334 reaffirms S/RES/465 (1980), which "Calls upon all States not to provide Israel with any assistance to be used specifically in connexion with settlements in the occupied territories (para. 7). Resolution 2334 also "Calls upon all States...to distinguish, in their relevant dealings, between the territory of the State of Israel and the territories occupied since 1967" (para. 5).

However, the obligation not to recognize the illegal situation comes not only from a decision of the Security Council, but remains an obligation of all states, *erga omnes*. That long-standing obligation of all states—whether Members of the United Nations or not—prohibits support for, and cooperation or transaction with parties to the illegal situation in occupied Palestine. The Security Council resolution 2334 also recalls the 2004 International Court of Justice ruling on this point in connection with the Israeli wall, settlement enterprise and "associated regime." (The General Assembly resolutions [A/RES/37/123](#) (1980) and [A/RES/39/146](#) (1982) provide further specificity as to the effective measures for states to take.)

The implantation of settlements and other practices of population transfer have been considered serious crimes since at least 1932, and being explicitly defined as crimes against humanity and war crimes in the Rome Statute on the International Criminal Court (1998). Resolution 2334 condemns the Israeli practices as "inadmissible," a "flagrant violation," "not sustainable" and "dangerously imperilling the viability of," and "eroding" an internationally supported two-state solution. The Council's resolution 2334 also asserts states' international law obligations not to recognize any changes to the 4 June 1967 border lines (para. 3). However, the resolution text does not refer to the applicable international criminal law. Nor does it invoke the option of measures to be taken under the Security Council's sanctions regime.

HIC-HLRN joins United Nations [Secretary-General](#) Ban Ki-moon's welcome of Security Council resolution 2334, reaffirming the establishment of Israeli settlements in Palestinian territory occupied since 1967 to have "no legal validity," to constitute a

“flagrant violation” under international law and a “major obstacle” to a two-State solution and a just, lasting and comprehensive peace.

All UN Security Council resolutions are considered enforceable. Resolution 2334 calls for all settlement activities in the occupied Palestinian territory to cease immediately, and recalls Israel’s Security Council-endorsed obligation to dismantle all settlement outposts erected since March 2001.

The United States has traditionally provided diplomatic cover for Israel by using its veto to protect its ally from condemnatory Security Council resolutions. Although that permanent member abstained from the vote on resolution 2334. HIC-HLRN reminds that no state may condition its compliance with permanent international law obligations on transient political whims or a change of administration.

HIC-HLRN notes this resolution ends a year of the Council’s failure at that essential duty with one step in a lawful direction. With regret only at the passage of so much time before the Council has assumed its intended role, HIC-HLRN looks forward to the faithful implementation of S/RES/2334 of 23 December 2016.

Download [S/RES/2334](#)